

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BENEFICIAL INNOVATIONS, INC.,

Plaintiff,

VS.

AOL LLC *et al.*,

Defendants.

Civil Action No: 2:07-cv-555 (TJW/CE)

**DECLARATION OF COSMIN MAIER IN SUPPORT OF
GOOGLE AND YOUTUBE'S MOTION FOR RECONSIDERATION**

I, Cosmin Maier, co-counsel for Defendants Google Inc. and YouTube, LLC (collectively, “Google”), affirm and declare as follows:

1. Attached hereto as Exhibit 1 is a true and accurate copy of excerpts from the transcript of the claim construction hearing held by this Court on February 2, 2010.
2. Attached hereto as Exhibit 2 is a true and accurate copy of excerpts from Plaintiff Beneficial Innovations, Inc.’s claim construction hearing presentation slides [Dkt. No. 242].
3. Attached hereto as Exhibit 3 is a true and accurate copy of excerpts from the February 5, 2010 office action that issued in the reexamination of U.S. Patent No. 6,183,366 (see reexamination control no. 90/009,593). In the office action, the Examiner rejected claim 1 of the ‘366 patent as being anticipated by Internet Week, “Net Ad Revenues May Top \$37 Million,” Phillips Business Information, Inc., Vol. I, No. 18, Aug. 07, 1995 (“Internet Week”).

4. Attached hereto as Exhibit 4 is a true and accurate copy of the Internet Week article that was produced to Plaintiff bearing Bates Nos. DCP00281045-47.

5. Attached hereto as Exhibit 5 is a true and accurate copy of excerpts from Plaintiff's Amendment and Response to the February 5, 2010 office action issued in reexamination control no. 90/009,593.

6. Attached hereto as Exhibit 6 is a true and accurate copy of Bradford Co. v. Conteyor N. Am., Inc., No. 2009-1472 (Fed. Cir. Apr. 29, 2010).

Executed on: April 30, 2010

/s/ Cosmin Maier
Cosmin Maier